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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA, For the  
Use of Benefit of SOURCE HELICOPTERS,  
12 DIVISION OF ROGERS HELICOPTERS,  
INC., a California Corporation,

13 Plaintiff,

14 vs.

15 SAYERS CONSTRUCTION, LLC, a Texas  
limited liability company; PHILADELPHIA  
16 INDEMNITY INSURANCE COMPANY, a  
Pennsylvania Corporation; and DOES I-V and  
17 ROE CORPORATIONS I-V,

18 Defendants.

CASE NO. 2:19-cv-01602-JCM-EJY

**STIPULATION AND ORDER TO  
CONTINUE TRIAL  
(FIRST REQUEST)**

19  
20 Use-Plaintiff, Source Helicopters, Division of Rogers Helicopters, Inc. (“Rogers”);  
21 Defendant/Counterclaimant, Sayers Construction, LLC (“Sayers”); and Defendant Philadelphia  
22 Indemnity Insurance Company (“PIIC”), by and through their attorneys, hereby stipulate and request  
23 the Court to continue the trial currently set on the July 10-11, 2023 trial stack to December 2023.

24 Sayers petitioned for Chapter 7 bankruptcy on December 16, 2022 in Case No. 22-10838 in  
25 the United States Bankruptcy Court for the Western District of Texas, Austin Division (“Bankruptcy  
26 Case”). (ECF No. 133).

27 On March 16, 2023, a day-long mediation was conducted with Magistrate Judge Elayna J.  
28 Youchah. (ECF No. 132; ECF No. 134).

1 As a result of the mediation, Rogers and PIIC agreed upon settlement terms between them.  
2 However, the Trustee of the Bankruptcy Case has not agreed to dismiss Sayers' counterclaim against  
3 Rogers. The Trustee's refusal to dismiss Sayers' counterclaim has thus far prevented this case from  
4 being fully resolved and dismissed.

5 To assist in working toward final settlement and finding an ongoing desire to reach resolution  
6 of this case, Magistrate Judge Youchah conducted subsequent follow-up status conferences and  
7 discussions held on April 14, 2023 (ECF No. 135); May 15, 2023 (ECF No.136); and June 2, 2023  
8 (ECF No. 138). During these time frames substantial efforts have been made by Rogers and PIIC to  
9 address the Trustee's refusal to dismiss Sayers' counterclaim against Rogers.

10 As a result of the June 2, 2023 status conference, the Court held: "The parties continue to make  
11 substantial efforts to reach a settlement. There is an ongoing desire to reach a resolution of this case.  
12 For this reason, the Court sets another zoom conference call." (ECF No. 138). The next status  
13 conference is set for August 3, 2023. *Id.*

14 On June 1, 2023, United States District Judge James C. Mahan issued a minute order requiring  
15 lead trial counsel to appear on June 21, 2023 for a Master Trial Calendar Scheduling Conference with  
16 United States District Judge Jennifer A. Dorsey for all cases on the July 10 and July 11 trial stack.  
17 (ECF No. 137). This minute order states that stipulations to continue matters on this stack must be  
18 filed no later than noon on June 14, 2023. This stipulation complies with Judge Mahan's minute order.

19 Pursuant to LR IA 6-1, the Parties stipulate to the continuance of the trial given the settlement  
20 status and ongoing settlement discussions as described above.

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Given the ongoing efforts of the Parties to reach a resolution in this matter, the Parties respectfully submit good cause is present for their request for a continuance of the trial to December 2023.

## CLARK HILL PLLC

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**Dated:** June 8, 2023

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**Dated:** June 7, 2023

O'REILLY LAW GROUP

*Will not sign to avoid any accusation of violation of any stay imposed by the Bankruptcy Case*

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**Dated:**

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Attorneys for Defendant and Counter-Claim  
 Plaintiff Sayers Construction, LLC

**Dated:** June 7, 2023

IT IS HEREBY ORDERED that the trial currently set for July 10, 2023, at 9:00 a.m. is continued to December 4, 2023 at 9:00 a.m. IT IS FURTHER ORDERED that the calendar call currently set for July 5, 2023, at 1:30 p.m. is continued to November 29, 2023 at 1:30 p.m.

**IT IS SO ORDERED:**

  
 UNITED STATES DISTRICT JUDGE

**DATED:** June 9, 2023 \_\_\_\_\_